

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ALEXANDER,)	
)	
Plaintiff,)	Case No. 1:22-cv-338
v.)	
)	
ACCEPTANCE NOW, <i>et al.</i>)	
)	
Defendants.)	

MEMORANDUM ORDER

The within *pro se* civil action was initiated in the Court of Common Pleas of Erie County, Pennsylvania by Plaintiff Michael F. Alexander against thirteen Defendants for alleged violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C 1681, *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692, *et seq.*, and the Equal Credit Opportunity Act (“ECOA”), 15 U.S.C., §1691. The matter was removed to this Court on November 4, 2022 and referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72.

Pending before the Court are motions for judgment on the pleadings filed by Defendants ChexSystems, Inc. (“ChexSystems”), ECF No. 82, and The Bank of Missouri and Fair Square Financial, LLC, d/b/a Ollo Card (“TBOM/OLLO”), ECF No. 89. Plaintiff alleges that these Defendants violated his rights under 15 U.S.C. §1681h(c), a provision of the FCRA that requires consumer reporting agencies to provide trained personnel to explain certain statutorily prescribed information to consumers. In his brief opposing ChexSystems’s motion, Plaintiff contended that he is asserting claims against ChexSystems under both the FDCPA and the “Consumer Protection Act.” Plaintiff has not filed any opposition to TBOM/OLLO’s motion.

On April 30, 2024, Chief Judge Lanzillo issued a report and recommendation (“R&R”) in which he opined that the Defendants’ motions for judgment on the pleadings should be granted. Construing the complaint liberally, Judge Lanzillo assumed Plaintiff might be attempting to state claims under Sections 1681h and 1681s-2(b)(1) of the FCRA, as well as alleged violations of the FDCPA and the ECOA. Judge Lanzillo found that Plaintiff’s allegations were legally insufficient to state a viable claim under any of these statutes and that the deficiencies in his pleading could not be cured through further Amendment. *See* ECF No. 100. He therefore recommends that all claims against ChexSystems and TBOM/OLLO be dismissed with prejudice.

Objections to the R&R were due on or before May 17, 2024. To date, no objections have been received.

Accordingly, after *de novo* review of the complaint and documents in the case, including the pending motions and any responses thereto, as well as the Chief Magistrate Judge’s Report and Recommendation,

IT IS ORDERED, this 5th day of June, 2024, that the motions for judgment on the pleadings filed by Defendants ChexSystems, Inc., ECF No. 82, and The Bank of Missouri and Fair Square Financial, LLC, d/b/a Ollo Card, ECF No. 89, are hereby GRANTED and, accordingly, all claims in this case against these Moving Defendants shall be, and hereby are, DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Report and Recommendation of the Chief United States Magistrate Judge issued on April 30, 2024, ECF No. [100], is adopted as the Opinion of this Court.


Susan Paradise Baxter
United States District Judge